

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN

MUSTAFA-EL K.A. AJALA
f.k.a. Dennis E. Jones-El, and
SPENCER A. BROWN,

Plaintiffs,

v.

KELLI WEST, RICK RAEMISCH,
TODD OVERBO, CATHY JESS,
PETER HUIBREGTSE, TIM HAINES,
CHARLES COLE and ANTHONY BROADBENT,

Defendants.

ORDER

13-cv-184-bbc

Pro se plaintiffs Mustafa-El K.A. Ajala and Spencer Brown are proceeding on several claims that various prison officials interfered with their ability to practice their religion, in violation of the free exercise clause, the establishment clause, the equal protection clause and the Religious Land Use and Institutionalized Persons Act. Both sides have filed motions for summary judgment. Dkt. ##37 and 47.

Plaintiffs' original deadline for responding to defendants' summary judgment motion was August 21, 2014. However, on August 8, 2014, plaintiff Ajala filed a document he called "motion for an immediate temporary restraining order for good cause under FRCP Rule 65(b)(1)" in which he alleged that prison officials had confiscated all of his legal materials related to this case. He asked that defendants be "ordered to return all of [his]

legal files, books, writing supplies and to refrain from tak[ing] them throughout the duration of this case.” Dkt. #52. In response to plaintiff Ajala’s motion, the court stayed further briefing on the summary judgment motions pending resolution of Ajala’s request for a “temporary restraining order.”

Now plaintiffs have filed a motion for a seven-day extension of time to respond to defendants’ motion for summary judgment and to stay further briefing on defendants’ arguments related to damages until the court resolves the liability issues. Dkt. #54. Plaintiffs’ motion is curious for two reasons. First, plaintiffs do not acknowledge that the briefing on the summary judgment motions has been stayed. Second, plaintiffs note in their new motion that plaintiff Ajala’s legal materials were returned to him on August 10, 2014, but they did not withdraw their previous motion for a temporary restraining order.

Regardless of the reasons plaintiffs ignored these issues, plaintiffs’ admission that their legal materials have been returned to them moots their motion for a temporary restraining order. Accordingly, I am lifting the stay on briefing the summary judgment motions. However, because plaintiffs represent that they were without legal materials for six days, I will grant their motion for an extension of time.

I am denying plaintiffs’ request to defer briefing on the damages issues defendants raised in their motion for summary judgment. It is not this court’s policy to decide summary judgment motions in multiple stages; doing so causes excessive delay.

ORDER

IT IS ORDERED that

1. The stay on briefing the parties' summary judgment motions is LIFTED.
2. The motion for an extension of time filed by plaintiffs Mustafa-El K.A. Ajala (formerly known as Dennis Jones-El) and Spencer Brown, dkt. #54, is GRANTED. The parties may have until August 28, 2014, to file opposition materials to the other side's motion for summary judgment. The parties may have until September 8, 2014, to file reply materials.
3. Plaintiffs' request to stay briefing on the damages issues raised in defendants' motion for summary judgment, dkt. #54, is DENIED.

Entered this 21st day of August, 2014.

BY THE COURT:

/s/

BARBARA B. CRABB

District Judge